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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,817	08/01/2003	Pao-Hsien Cheng	MR957-1368	1719
4586	7590	09/10/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			KLEBE, GERALD B	
			ART UNIT	PAPER NUMBER

3618

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,817

Applicant(s)CHENG ET AL. *CS***Examiner**

Gerald B. Klebe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

G.B. Klebe
30 August 2004

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification - Objections

1. a. The specification is objected-to for the following informalities: the specification includes awkward phraseology that is difficult to understand appearing, in places, to be a direct translation from a foreign language document. The specification should be carefully reviewed and corrections made to ensure consistent, concise terminology is used throughout. Some examples of awkward and confusing terminology are the following:

page 2, lines 13-14: the phrase ‘..will be made to stretch by a force that is not along it...’ appears to be a direct translation from a foreign language document and is confusing as to its meaning in English;

lines 18-19: the phrase ‘...in terms of easiness in operation...’ is awkward and confusing;

page 5, line 12: the phrase ‘screwed into a nut’ is awkward and confusing;

line 19: ‘neat to’ should be --near to -- ;

page 7, line 11: the phrase ‘the golf cart won’t be shaky...’ is confusing;

line 23: the phrase ‘won’t show to spoil the appearance of’ is confusing.

Other examples exist. Appropriate correction is required.

b. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 2 in lines 2 and 3 recites the limitation ‘bored connecting ears’; this limitation is not supported by the specification as filed, there being no explanation or description

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given in the specification for “bored connecting ears” [examiner’s emphasis added in further explanation].

Appropriate correction is required. No new matter should be entered.

Claims Objections

2. The claims are objected-to for the following informalities:

claim 1, in line 1 recites: “A foldable golf cart”; it seems to the examiner that the environment being claimed relates more precisely to a device that would alternatively be better referred to as: --A foldable golf bag cart-- [examiner’s emphasis added for clarity].

in line 11: it appears the examiner that “golf cart” should preferably be termed --golf bag cart--;

claim 3, line 4: the phrase “being screwed into” is awkward and confusing terminology for possibly the alternative phrase --is threaded onto--;

claim 6, lines 4-5: the phrase “and screwed into the screw holes” is awkward and confusing terminology for possibly the alternative phrase: --and threaded into threaded holes--.

Appropriate correction is required.

Claim Rejections - 35 USC 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1, in lines 5-6 recites the limitation: “two co-moving rods pivoted to the handle rod at upper end, and pivoted to respective ones of the wheeled supports at lower ends”. It is not clear whether this means that lower ends of the two co-moving rods are pivoted to the wheeled supports or whether it means that the two co-moving rods are pivoted to lower ends of the wheeled supports or whether some other construction is claimed.

Claim 7, in lines 2-3 recites: “for stopping the fixing hook from moving inwardly of the cover.” It is not clear how the fixing hook, contained within the cover can be restrained from moving inwardly of the cover. The recitation is awkward and confusing and does not appear to be indicative of the structure of the combination of the fixing hook and the cover as disclosed including the specification and drawings.

Claim 8, in lines 3-4 recites the limitation: “disengageably engaging”; it is not clear what this means in terms of the operation or structure of the fixing hook and its connection to the handle rod. It is not clear how the gaps are capable of simultaneously engaging and disengaging, or that they have a structure providing both engaging features and disengaging features.

Appropriate correction is required.

Claims Rejections - 35 USC § 103

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for the rejections under this section made in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1- 2, and 8, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (US 4946186).

Cheng teaches a foldable golf bag cart (refer Figs 2-8) comprising: (re: claim 1) a main support member (21) having two wheeled-supports (243) pivoted thereto; a handle rod (22) pivoted to an upper end of the main support member at a lower end of the handle rod (refer Fig 8); two co-moving rods (242) pivoted at their upper ends to the handle rod, and pivoted at their lower ends to respective wheeled-supports (refer Figs 2, 3, and 8, indicating the pivoting action); the main support member (21) having a fixing hook (30) pivoted thereto by means of a pivotal element (34; refer Figs 5 and 7); the handle rod (22) having an engaging protrusion (37) thereon (refer Fig 5); the fixing hook (30) being capable of engaging the protrusion (37) and preventing the handle rod from moving relative to the main support member when the golf bag cart is in its extended ("stretched") position; and (re: claim 2) wherein the main support member (21) has a plurality of connecting ears (321) having through-holes (not separately numbered, taken as the holes in 321 the receive item 33), and the handle rod (22) has a plurality of connecting ears (311) having through-holes (not separately numbered; taken as the holes in 311 in which the item 33 is received as shown in Figs 5 and 7) in alignment with the through-holes of the connecting ears of

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the main support member, and a pivotal rod (33; refer col 3, lines 33-37) is passed through the aligned through-holes of the connecting ears of the main support member and the connecting ears of the handle rod; and (re: claim 8) wherein the handle rod has a locating protrusion (37), and the fixing hook (30) has two concavely curved locating gaps on a top thereof (best understood in Fig 6) capable of disengageably engaging the locating protrusion (37) responsive to pivotal movement of the fixing hook (30) on the pivotal element (34) (refer Figs 5 and 7).

Note that Cheng's reference locates the fixing hook (30) on the main support and the engaging protrusion (37) on the handle rod, which is just the reverse of their locations in the claimed invention.

However, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the mechanism of the reference of Cheng to reverse the locations of the fixing hook and the complementary engaging protrusion so that, instead, the fixing hook was located on the handle rod and the engaging protrusion was located on the main support member since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Allowable Subject Matter

7. Claim 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art made of Record

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art of McDonnell, of Liao (-327; -184, and -195), of Wu (-604, and -452), of Ko, and of Lee each show foldable golf bag carts wherein the main support and the handle rod of the cart are selectively engaged for use and disengaged for folding by a mechanism coupling the main support and the handle rod; Hook et al. shows a collapsible bag holding cart wherein the main support and the handle are selectively foldable or extendable for use using a sliding sleeve mounted on the handle rod to slide over and engage the main support when the cart is to be used; Gleich teaches a foldable golf bag cart with a control mechanism mounted between the handle rod and the main support of the frame. These references also show other structures in common with some other of the features of the inventive concept disclosed in the instant application.

Conclusion

9. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-872-9306; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 703-308-2560.

Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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